

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

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IN RE:

MICHAEL STEWART FITZ and  
CAROL JEAN FITZ,

BANKR. NO. 04-10253  
CHAPTER 13

Debtors.

ORDER APPROVING SETTLEMENT  
AND JUDGMENT OF DISMISSAL OF  
ADVERSARIAL ACTION NO. 07-1002  
WITH PREJUDICE

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This matter came to the attention of the Court pursuant to the Joint Motion To Approve Settlement And For Dismissal Of Adversarial Action With Prejudice ("Motion To Approve") and Notice of Joint Motion To Approve Settlement And For Dismissal Of Adversarial Action With Prejudice ("Notice"), both of which were filed with the Court on October 19, 2007. Pursuant to the Notice, any objections or responses to the Motion To Approve were to be filed with the Bankruptcy Clerk no later than November 13, 2007. The Court finds that no objections or responses have been filed. The Court having reviewed the Motion To Approve, including the Settlement Agreement And Release attached thereto, having reviewed the file, and having found the settlement reached by the parties to Adv. No. 07-1002 to be reasonable, fair, and equitable, and with good cause therefor showing, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

1. The Joint Motion To Approve is granted and the settlement of Adv. No. 07-1002 is approved by the Court.

Case: Michael Steward Fitz and Carol Jean Fitz – BANKR. NO. 04-10253  
Document: Order Approving Settlement and Judgment of Dismissal of Adversarial Action No. 07-1002 With Prejudice  
Page Two

2. The \$4,241.97 deposited with the Chapter 13 Trustee shall be released to the Chapter 13 Trustee to be paid as an additional dividend to unsecured creditors.

3. Adv. No. 07-1002 is dismissed with prejudice and without taxation of costs, disbursements, expenses or attorney's fees to any party.

So ordered: November 19, 2007.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Charles L. Nail, Jr.", is positioned above the printed name.

Charles L. Nail, Jr.  
Bankruptcy Judge

On the above date, a copy of this document was mailed or faxed to the parties shown on the Notice of Electronic Filing as not having received electronic notice and Debtor(s), if Debtor(s) did not receive electronic notice.

Frederick M. Entwistle  
Clerk, U.S. Bankruptcy Court  
District of South Dakota

**NOTICE OF ENTRY**  
**Under Fed.R.Bankr.P. 9022(a)**

**This order/judgment was entered  
on the date shown above.**

**Frederick M. Entwistle**  
**Clerk, U.S. Bankruptcy Court**  
**District of South Dakota**